

Exhibit A

From: Kellogg, Michael K.
Sent: Friday, October 26, 2018 6:39 AM
To: Steven R. Pounian
Cc: Rapawy, Gregory G.; Shen, Andrew C.; zJodi W. Flowers; zRobert Haefele; jeubanks@motleyrice.com; Kreindler, James; Maloney, III, Andrew; Megan Benett; Goldman, Jerry; Carter, Sean; Tarbutton, Joseph
Subject: Re: Plaintiffs' supplemental requests for production

Thanks Steve.

We have pulled the designated documents and reviewed them and sent our recommendations to our client. I doubt we will hear back today but my understanding from our call is that you plan to file under seal and we will then, to the extent we can not work out the confidentiality issues, submit them to Magistrate Judge Netburn for resolution.

Michael

On Oct 24, 2018, at 5:39 PM, Steven R. Pounian <Spounian@kreindler.com> wrote:

Michael,

As we discussed earlier today, here is our current list of documents that plaintiffs expect to include in their papers regarding our supplemental document requests due this Friday. We would appreciate if you could let us know as soon as possible whether the Kingdom still contends that these documents must be filed under seal.

KSA 553-554

KSA 556-561

KSA 570

KSA 1230-1232

KSA 1247

KSA 1256-1257

KSA 1277

KSA 1291

KSA 1618

KSA 5719-5721

KSA 6861

KSA 6862

Regards,

Steve

From: Kellogg, Michael K. <mkellogg@kellogghansen.com>

Sent: Tuesday, October 23, 2018 9:43 AM

To: Steven R. Pounian <Spounian@kreindler.com>

Cc: Rapawy, Gregory G. <grapawy@kellogghansen.com>; Shen, Andrew C.

<ashen@kellogghansen.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haefele

<rhaefele@motleyrice.com>; jeubanks@motleyrice.com; Jim Kreindler

<JKreindler@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Megan Benett

<Mbenett@kreindler.com>; Goldman, Jerry <jgoldman@andersonkill.com>; Carter, Sean

<SCarter1@cozen.com>; zScott Tarbutton <starbutton@cozen.com>

Subject: RE: Plaintiffs' supplemental requests for production

Good. Let's use my dial-in.

Global Crossing

Dial-in: 1-800-768-2983

Intl: 1-913-904-9867

Access Code: 3267902

From: Steven R. Pounian [<mailto:Spounian@kreindler.com>]

Sent: Tuesday, October 23, 2018 9:41 AM

To: Kellogg, Michael K. <mkellogg@kellogghansen.com>

Cc: Rapawy, Gregory G. <grapawy@kellogghansen.com>; Shen, Andrew C.

<ashen@kellogghansen.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zRobert Haefele

<rhaefele@motleyrice.com>; jeubanks@motleyrice.com; Kreindler, James

<jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; Megan Benett

<Mbenett@kreindler.com>; Goldman, Jerry <jgoldman@andersonkill.com>; Carter, Sean

<SCarter1@cozen.com>; Tarbutton, Joseph <starbutton@cozen.com>

Subject: Re: Plaintiffs' supplemental requests for production

Michael,

Yes, 11am works for the PECs.

Steve

Sent from my iPhone

On Oct 23, 2018, at 9:09 AM, Kellogg, Michael K.

<mkellogg@kellogghansen.com<<mailto:mkellogg@kellogghansen.com>>> wrote:

Steve:

May I suggest 11 a.m. for our meet and confer on Wednesday? Please let me know if that time works on your side and I will send out a dial-in number.

There is one additional item on which we would like to meet and confer. Plaintiffs have committed to provide us with copies of all documents obtained through third-party subpoenas. At our most recent hearing, on October 12, Sarah Normand represented to the Court that some records have already been produced to the PECs pursuant to the third-party subpoenas directed at the State Department, the CIA, and the Treasury Department. Oct. 12 Tr. at 14. We would like to receive copies of those records promptly.

Michael

From: Steven R. Pounian [<mailto:Spounian@kreindler.com>]

Sent: Monday, October 22, 2018 12:09 PM

To: Kellogg, Michael K.

<mkellogg@kellogghansen.com<<mailto:mkellogg@kellogghansen.com>>>; Rapawy, Gregory G.

<grapawy@kellogghansen.com<<mailto:grapawy@kellogghansen.com>>>; Shen, Andrew C.

<ashen@kellogghansen.com<<mailto:ashen@kellogghansen.com>>>

Cc: zJodi W. Flowers <jflowers@motleyrice.com<<mailto:jflowers@motleyrice.com>>>; zRobert

Haefele <rhaefele@motleyrice.com<<mailto:rhaefele@motleyrice.com>>>;

jeubanks@motleyrice.com<<mailto:jeubanks@motleyrice.com>>>; Kreindler, James

<jkreindler@kreindler.com<<mailto:jkreindler@kreindler.com>>>; Maloney, III, Andrew

<amaloney@kreindler.com<<mailto:amaloney@kreindler.com>>>; Megan Benett
<Mbenett@kreindler.com<<mailto:Mbenett@kreindler.com>>>; Goldman, Jerry
<jgoldman@andersonkill.com<<mailto:jgoldman@andersonkill.com>>>; Carter, Sean
<SCarter1@cozen.com<<mailto:SCarter1@cozen.com>>>; Tarbutton, Joseph
<starbutton@cozen.com<<mailto:starbutton@cozen.com>>>
Subject: RE: Plaintiffs' supplemental requests for production

Michael,

As I explained in my Friday email, and at the hearing before Judge Netburn, the information regarding the seven Saudi government officials is based on our investigation, i.e. our work product.

We have provided you with the Saudi government employment of each individual. You do not raise any question about their identities or employment. As we conveyed previously, the individuals are relevant to the inquiries for which discovery was authorized concerning the tasking of Thumairy and Bayoumi, and the subagents who worked with them to assist the hijackers. Your client obviously has the pertinent information regarding these men, their job duties for Saudi Arabia and role with Thumairy and Bayoumi and can evaluate the requests.

We will address this at our meet and confer on Wednesday.

Steve

From: Kellogg, Michael K. [<mailto:mkellogg@kellogghansen.com>]
Sent: Sunday, October 21, 2018 9:55 AM
To: Steven R. Pounian <Spounian@kreindler.com<<mailto:Spounian@kreindler.com>>>;
Rapawy, Gregory G. <grapawy@kellogghansen.com<<mailto:grapawy@kellogghansen.com>>>;
Shen, Andrew C. <ashen@kellogghansen.com<<mailto:ashen@kellogghansen.com>>>
Cc: zJodi W. Flowers <jflowers@motleyrice.com<<mailto:jflowers@motleyrice.com>>>; zRobert
Haefele <rhaefele@motleyrice.com<<mailto:rhaefele@motleyrice.com>>>;
jeubanks@motleyrice.com<<mailto:jeubanks@motleyrice.com>>>; Jim Kreindler
<JKreindler@kreindler.com<<mailto:JKreindler@kreindler.com>>>; Andrew J. Maloney
<AMaloney@kreindler.com<<mailto:AMaloney@kreindler.com>>>; Megan Benett
<Mbenett@kreindler.com<<mailto:Mbenett@kreindler.com>>>; Goldman, Jerry
<jgoldman@andersonkill.com<<mailto:jgoldman@andersonkill.com>>>; Carter, Sean
<SCarter1@cozen.com<<mailto:SCarter1@cozen.com>>>; zScott Tarbutton
<starbutton@cozen.com<<mailto:starbutton@cozen.com>>>
Subject: RE: Plaintiffs' supplemental requests for production

Steve:

Thanks for your email on Friday. Before we can take a position on your supplemental document request, however, we need more information on how the requests are consistent with the limited jurisdictional discovery authorized by the Court. As Magistrate Judge Netburn explained at the April 12 conference: "All of your discovery demands – we are talking about pages 19 to 23 I think, so we are talking about four pages here which I intend to keep by my side at all times during this process – all discovery that you are seeking needs to be tethered to one of those allegations that Judge Daniels relied upon and is allowing you to pursue." Tr. 22. Accordingly, it is not sufficient for you to say that "the seven individuals named were Saudi government officials who had contacts with Thumairy and/or Bayoumi during the relevant time period."

Indeed, Magistrate Judge Netburn specifically rejected the suggestion that “every single point of contact” with Thumairy and Bayoumi is a suitable subject for discovery. Tr. 22. Instead, as you seem to acknowledge in your email, the specific contacts in question must themselves be “material to Judge Daniels’ opinion at pp 18-23.” That is, they have to be tethered to the specific allegations discussed in those pages. You have not made any effort to explain why the contacts of each of these seven individuals with Bayoumi and Thumairy are reasonably believed to fall within that scope. Until you do, we cannot evaluate your requests for additional discovery.

Michael

From: Steven R. Pounian [<mailto:Spounian@kreindler.com>]

Sent: Friday, October 19, 2018 12:28 PM

To: Kellogg, Michael K.

<mkellogg@kellogghansen.com<<mailto:mkellogg@kellogghansen.com>>>; Rapawy, Gregory G.

<grapawy@kellogghansen.com<<mailto:grapawy@kellogghansen.com>>>; Shen, Andrew C.

<ashen@kellogghansen.com<<mailto:ashen@kellogghansen.com>>>

Cc: zJodi W. Flowers <jflowers@motleyrice.com<<mailto:jflowers@motleyrice.com>>>; zRobert

Haefele <rhaefele@motleyrice.com<<mailto:rhaefele@motleyrice.com>>>;

jeubanks@motleyrice.com<<mailto:jeubanks@motleyrice.com>>>; Kreindler, James

<jkreindler@kreindler.com<<mailto:jkreindler@kreindler.com>>>; Maloney, III, Andrew

<amaloney@kreindler.com<<mailto:amaloney@kreindler.com>>>; Megan Benett

<Mbenett@kreindler.com<<mailto:Mbenett@kreindler.com>>>; Goldman, Jerry

<jgoldman@andersonkill.com<<mailto:jgoldman@andersonkill.com>>>; Carter, Sean

<SCarter1@cozen.com<<mailto:SCarter1@cozen.com>>>; Tarbutton, Joseph

<starbutton@cozen.com<<mailto:starbutton@cozen.com>>>

Subject: Plaintiffs' supplemental requests for production

Michael,

Further to your recent email exchanges with Sean, I am responding to your request for additional information regarding plaintiffs’ supplemental requests for production.

Based on our investigation, the seven individuals named were Saudi government officials who had contacts with Thumairy and/or Bayoumi during the relevant time period that are material to Judge Daniels’ opinion at pp 18-23. They were employed as follows:

1. Abdullah Ali Saleh al Jaithen aka Abdullah AS al Jraithen - Ministry of Islamic Affairs (MOIA)
2. Musaed Ahmed al Jarrah - Ministry of Foreign Affairs, Islamic Affairs Department at the Washington D.C. Embassy
3. Smail Mana aka Ismail Mana - Los Angeles Consulate
4. Mohamed Sulaiman al Muhanna – MOIA
5. Adel Mohamed al Sadhan - MOIA
6. Mutaeb Abdelaziz al Sudairy - MOIA

7. Sharif Al-Batikhi – MOIA

Regards,

Steve

Steven R. Pounian
Of Counsel

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